

75-CR-130

TITLE OF CASE	ATTORNEYS
THE UNITED STATES vs. JIMMIE DEAN SMITH (21)	<i>For U.S.:</i> Ben F. Baker <i>For Defendant:</i> Charles Whitman (Appt.) 1141 East 37th Street Tulsa, Ok 74105 (747-2965) Phil Frazier, appt 1424 Terrace Dr. Tulsa, OK 74104 PH:939-2445

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 2 mailed 10-1-75	Clerk				
J.S. 3 mailed 1-1-76	Marshal				
Violation false statement in purchase of firearm	suppl. 3-1-76 Docket fee				
Title 18	suppl. 5-31-77				
Sec. 922(a)(6)					
1 count (\$5000 and/or 5 yrs.)					

DATE	PROCEEDINGS
9-4-75	Record vote of grand jury, filed in open court. rm
9-4-75	Indictment, filed in open court. rm
9-4-75	Warrant of arrest issued. rm
11-3-75	Case set for arraignment & plea on 11-5-75, at 10:00 A.M.(AEB-J)b nts ml d
11-4	Info. sheet on deft., filed. <u>ARREST DATE: 11-1-75</u> by City of Sand Springs Police Dept. Bail fixed at \$5000. C/S. Financial Aff., Appt. of Counsel, & Waiver of Counsel, filed. v
11-5-75	Case called for arraignment & plea. Deft. present & represented. Govt. represented. Deft. acknowledges receipt of indictment, is arraigned & enters a plea of NOT GUILTY. Deft. given 10 days to file motions & Govt. 5 days to respond. Case to be set on jury docket no later than Jan. 1976. Deft. makes oral applic. for reduction of bond. Govt. informs Ct. there is a detainer on Deft. in Cleveland, Ok.(AEB-J)b
11-12-75	Motion and Brief of deft. to disclose witnesses who will appear at the time of trial, filed. ph <i>copy to be...</i>

(Cont)

DATE	PROCEEDINGS
11-12-75	Motion and brief of deft. for the production of evidence favorable to accused, filed. ph <i>copy to D.A.</i>
11-12-75	Motion and brief of deft. to discover and inspect, filed. ph <i>copy to D.A.</i>
11-12-	Marshals return on Warrant for Arrest of Deft., filed. Executed same by arresting deft. Smith at Tulsa Cty. Jail 11-3-75. Arraigned before Mag. Bradford - \$5,000 bond.jj
11-13-75	Response to Defendant's Pretrial Motions, filed. tc <i>copy to D.A.</i>
12-1-75	MO: Case set for change of plea on 12-3-75, at 10:00 A.M.(AEB-J)b nts phone
12-3-75	Case called for change of plea. Deft. present & represented. Govt. represented. Deft. placed under oath. Deft. w/draws plea of Not Guilty and enters plea of GUILTY & is adjudged GUILTY AS charged. Deft. waives jury; waiver signed & filed in open court. Indict. read. Pending motions declared moot. Sentencing set for 12-10-75, at 10:00 A.M. Deft. remanded to custody of USM.(AEB-J)b
12-10-75	Case called for sentencing. Deft. present & represented. Govt. represented. Deft. & co. asked if they have anything to say before sentence is pronounced. Ct. determines deft. would not benefit under YCA.
	JUDGMENT & SENTENCE - Jimmie Dean Smith
	Atty. Gen. - Thirty-six (36) months, & on condition that Deft. be confined in jail type institution for period of six (6) months, the execution of the remainder of sentence of imprisonment is hereby suspended & Deft. is placed on probation for thirty (30) months. Conditions of probation are (1) deft. not associate with criminals, (2) seek outpatient treatment for drug abuse. Deft. remanded to USM.(AEB-J)b
12-10-75	Judgment & Commitment filed & entered.(AEB-J)b
12-10-75	Two c/c of J&C to USM. b
1976	
1-13	Return on J&C, filed. Rec'd 1-1-76 & executed same by delivering deft to USM, Denver, Colorado, at Englewood, Colorado. v
1-30-76	Deft.'s application for admission to probation or reduction of sentence, filed.k <i>Sp. to D.A.</i>
2-20	Order, filed and entered, that the J&S ent. 12-10-75 be modified as follows: Ct. 1 - 36 Mos. Impr.; serve 3 Mos., bal. susp., 33 Mos. Prob., w/super. It is intent of order that Deft. be released from custody on 3-10-76. (AEB-J)v -cps mld.
2-27	USM return on Order modifying J&C, filed. Executed by mailing a copy to Federal Youth Center, Englewood, CO, on 2-23-76.k
1977	
3-25	Appl. & ORDER for the issuance of a bench warrant for the arrest of Probationer Smith, fld. v -warrant issued this date.
4-7-77	MO: Court sets bond in amt of \$5,000 C/S.(AEB-J)b
4-12	Waiver of counsel, filed. b
4-14	W/Arrest, ret. & filed: deft. Smith arrested 4-7-77. g
5-9-77	MO: Case set for revocation of probation on 5-31-77, at 10:00 A.M.(AEB-J)b nts mld
5-31	Case called for hearing on revocation of probation. Deft. present & rep. by P. Frazier. Govt. rep. Prob. officer Tom Sark makes report on Deft. Ct. revokes probation. Deft. & co. asked if they have anything to say before sentence is pronounced:
	Revocation of Probation - Jimmie Dean Smith
	The imposition of sentence is suspended & deft. is placed on probation for period of Two (2) years commencing after release from institution from sentence imposed in Case 77-CR-15. Any parole term from sentence in 77-CR-15 to run concurrently with probation imposed in this case. Condition of prob. deft. continue drug treatment.

(Cont'd)

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
5-31-Cont'd	Deft. remanded to USM. (AEB-J)b				
5-31	Revocation of Probation, filed & entered. (AEB-J)b				
5-31	Two c/c of Rev.of Prob. to probation office. b				

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
	(Document No.)				

AO-257

Interval (per Section II)

Start Date

End Date

Ltr. Code

Total Days